

# **EXHIBIT 7**

Volume 4

Pages 569 - 709

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable William H. Alsup, Judge

SONOS, INC.,	)	
	)	
Plaintiff and	)	
Counter-Defendant,	)	
	)	
VS.	)	<b>NO. C 20-6754 WHA</b>
	)	Related Case No. <b>C 21-07559 WHA</b>
GOOGLE, LLC,	)	
	)	
Defendant and	)	
Counter-Claimant.	)	
_____	)	

San Francisco, California

Wednesday, May 10, 2023

**TRANSCRIPT OF JURY TRIAL PROCEEDINGS**

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United States District Court - Official Reporter

## LAMBOURNE - RECROSS / PAK

1 versus this business record from the time that you were working  
2 on the zone scenes technology, which in your opinion is a more  
3 reliable source?

4 **A.** Um, well, I think the document is written down. I mean,  
5 I -- the point it's trying to make with that --

6 **Q.** If you can answer my question, Mr. Lambourne. Between  
7 your recollection sitting here today trying to remember what  
8 happened 17 years ago versus a business record that you  
9 created, last modified January 19th, 2006, in your opinion  
10 which is a better and more reliable source of what actually  
11 happened in the January timeframe of 2006?

12 **A.** In the document -- the document would be more reliable.

13 **Q.** Thank you. And you see that January 19th, 2006, is the  
14 last modification document. Do you remember that?

15 **A.** Yes.

16 **Q.** And let's scroll through again just to remind the jury  
17 what this document is. If you go down to section 4, do you  
18 recall that we talked about the zone scenes chapter?

19 **A.** Yes.

20 **Q.** And zone scenes chapter is described in the notes as  
21 concept of zone scenes but they are described in the final  
22 chapter. Do you see that?

23 **A.** Yes.

24 **Q.** And if we go to chapter 4 -- Mr. Fisher, page 27 -- this  
25 is what you wrote in your business record back in January of

**LAMBOURNE - RECROSS / PAK**

1 2006. "Party Mode that currently ships with the product is one  
2 example of a zone scene;" correct?

3 **A.** I did write that, yes.

4 **Q.** You disagree with it now but what you wrote back then is  
5 Party Mode that currently ships with the 2005 prior art system  
6 is one example of a zone scene; correct?

7 **A.** I did write that, yes.

8 **Q.** Yes. The dates are important. So if this document, going  
9 back to the first page, was last modified January 19th, 2006?

10 **A.** Correct.

11 **Q.** Keep that date in mind. The document that counsel showed  
12 you, the zone scene specification --

13 **MR. PAK:** Let's pull up TX6545 -- Mr. Fisher, maybe we  
14 can leave this on the top portion of the screen. On the bottom  
15 let's pull up TX6545.

16 (Pause in proceedings.)

17 **BY MR. PAK:**

18 **Q.** Do you see, sir, that TX6545, the zone scenes UI  
19 specification that you discussed with counsel, was last  
20 modified on December 21, 2005?

21 **A.** Yeah, I see that, yes.

22 **Q.** So you had completed your work on the zone scenes  
23 specification in its entirety by December 21, 2005. Do you see  
24 that?

25 **A.** I had completed the spec, yes.

**LAMBOURNE - RECROSS / PAK**

1 **Q.** That's right. And then later you came back and last  
2 modified the TX6544, the clock and alarm clock specification,  
3 on January 19th, 2006; correct?

4 **A.** Yes.

5 **Q.** So after you had completed your zone scenes UI  
6 specification, a few weeks later you came back and modified the  
7 Sonos UI specification for clock and alarm clock with a chapter  
8 titled "Zone Scenes;" is that true?

9 **A.** I wouldn't -- I wouldn't agree with that conclusion. I  
10 modified the document but I might have modified any part of it.

11 **Q.** Sir, we are talking about the facts, not your  
12 recollection. You don't know with certainty what you actually  
13 did 17 years ago; correct?

14 **THE COURT:** Well, his -- what he is saying is he might  
15 have modified the document but maybe that chapter was already  
16 in there.

17 **BY MR. PAK:**

18 **Q.** We don't know?

19 **THE COURT:** We don't -- he is saying that. He says he  
20 doesn't know, but the way you pitched your question was he  
21 modified chapter 4 and -- after he finished the other document,  
22 and he is saying he doesn't agree necessarily with that  
23 conclusion.

24 **MR. PAK:** Thank you, Your Honor.

25 \\\

## LAMBOURNE - RECROSS / PAK

1 **BY MR. PAK:**

2 **Q.** My point is simply this: Around the same time that you  
3 were completing the zone scenes UI specification, which is  
4 TX6545, you were around the same time period writing the clock  
5 and alarm clock UI specification with the last modification  
6 date of January 19th, 2006; correct?

7 **A.** Yes.

8 **Q.** And in that first document, TX6544, you wrote "Party Mode  
9 is one example of a zone scene;" correct?

10 **A.** Yes.

11 **Q.** Thank you. And I don't want to repeat my examination from  
12 yesterday, but I think we already established that nothing in  
13 the actual claim language of claim 1 of the '885 and claim 1 of  
14 the '966 patent requires a user to create and save the claimed  
15 zone scenes; correct?

16 **A.** The claim didn't use the -- use the word "user." I didn't  
17 see the word "user," correct.

18 **Q.** So when you gave testimony about how the Party Mode in the  
19 Sonos 2005 system was not user created or user named, the  
20 actual claims being asserted in this case do not contain those  
21 requirements for claim 1 of each patent; correct?

22 **A.** I mean, yeah, the invention described "user" a lot. The  
23 word "user" is not in the claims.

24 **Q.** You wrote the specification. Your lawyers wrote the  
25 claims; is that right?

(Proceedings resumed at 11:02 a.m.)

**THE CLERK:** Please remain seated. Please come to order.

**THE COURT:** All right. Let's go back to work. Everybody here? Be seated, please.

I have got a question for my own edification. I have been reading -- when all of you get to be in your 70s, maybe you will understand. It's so hard to read this fine print. I really struggle at my age trying to read this print. And I can do it, but sometimes I have to start over because my eyes go off onto a different line.

But is this the -- I'm reading the one that happens to be '966 -- is that the same as what was published in 2005, or is this a brand-new -- brand-new specification?

**MR. RICHTER:** The specification was published in 2006, I believe, Your Honor, but it's a straight continuation and so it's the nearly identical specification from the original filing, yes.

**THE COURT:** But it's different in some respect?

**MR. RICHTER:** It has an initial sentence in the very first that says this application claims priority to such and such an application. Other than that, no changes.

**THE COURT:** All right. So this -- column 8 where it has the paragraph that says, "One mechanism for joining zone players together," et cetera, and then it has bathroom bedroom,

1           **THE COURT:** All right. It's unnecessary to get me to  
2 certify that. I don't do that. The Federal Rules do not  
3 require that.

4           But as long as any expert witness stays within their area  
5 of expertise, we will be fine. So please proceed. Ask your  
6 first question.

7           **MR. SHEA:** Thank you, Your Honor.

8           **BY MR. SHEA:**

9           **Q.** Dr. Almeroth, are you being compensated for your work on  
10 this case?

11          **A.** Yes, I am.

12          **Q.** Is that compensation dependent upon anything that happens  
13 over the course of this trial?

14          **A.** No. I'm here to give my independent opinions as I see the  
15 systems and how they operated, and so my compensation is not  
16 dependent on giving opinions one way or another.

17          **Q.** Dr. Almeroth, let's start by talking about the patents.  
18 You can find those in your exhibits binder that I handed to  
19 you, yes, at -- and the first -- I want to have you go to TX1  
20 and TX3.

21          **A.** Okay.

22          **Q.** Maybe we could -- we could just look at TX1 as  
23 representative.

24               How do the '885 and '966 patents relate?

25          **A.** They are part of what's called a "continuation chain." So



1 they date back over time where patents were filed with the same  
2 specification and they have different sets of claims at the  
3 end. But the description of the invention, what the  
4 specification is, the columns in it, the figures, that's all  
5 the same.

6 **Q.** What do the '885 and '966 patents say about the problems  
7 that existed in the art at the time?

8 **A.** Yeah. So far we have heard a lot about what was happening  
9 in the 2005 timeframe. The one thing I wanted to add is that  
10 there's a part of the specification that describes those kinds  
11 of problems before it gets into the part that describes the  
12 solution.

13 So, Mr. Jay, if you go to TX1, the '966 patent, about the  
14 bottom of column 1 around line 62, that's one of the places to  
15 look.

16 And what this talks about generally is the problems with  
17 traditional multizone audio systems, that they are hard wired  
18 or controlled by a pre-configured and preprogrammed controller.

19 And we have heard that described in a couple of different  
20 ways, the idea that you have groups that are already defined,  
21 like Party Mode where they can't be changed or even where you  
22 have things like traditional speakers that are connected by  
23 wires through an AV receiver.

24 And so the patent starts off by describing some of the  
25 problems with those kinds of solutions.

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

DATE: Wednesday, May 10, 2023

A handwritten signature in blue ink that reads "Marla Knox". The signature is written in a cursive style and is positioned above a horizontal line.

Marla F. Knox, CSR No. 14421, RPR, CRR, RMR  
United States District Court - Official Reporter